

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERIK DEMETRIUS WHITE,

Plaintiff,

v.

DOUGLAS COUNTY JAIL AND KEITH TANULA,

Defendants.

ORDER

Case No. 14-cv-759-wmc

Plaintiff Erik Demetrius White, an inmate at St. Louis County Jail in Duluth, Minnesota, has filed a proposed civil complaint. Plaintiff requests leave to proceed without prepayment of the filing fee. To the extent plaintiff wishes to proceed without prepaying the filing fee, and because plaintiff is incarcerated, plaintiff must comply with the Prisoner Litigation Reform Act (PLRA). The PLRA requires plaintiff to submit a certified copy of plaintiff's inmate account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). Plaintiff has failed to submit the necessary inmate account statement.

However, in plaintiff's motion to proceed without prepayment of the filing fee (dkt. #2), plaintiff states he is unable to obtain a prison account statement because he is currently not in prison, but rather has been incarcerated at St. Louis County Jail for the past six months. The PLRA does not require plaintiff to submit a *prison* account statement, it only requires plaintiff to submit an *inmate* account statement for the six-month period immediately preceding the date of the complaint. Plaintiff may request an inmate account statement from the appropriate official at St. Louis County Jail.

Accordingly, for this case to proceed, plaintiff must submit a certified inmate account statement no later than December 1, 2014. If plaintiff is found to be indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments. If plaintiff does not submit the six-month inmate account statement, I will assume that plaintiff wishes to withdraw this action voluntarily.

ORDER

IT IS ORDERED that plaintiff Erik Demetrius White may have until December 1, 2014 to submit a certified inmate account statement for the period beginning approximately May 2, 2014 and ending approximately November 2, 2014. If, by December 1, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 10th day of November, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge